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(115)  
2-14-03  
SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND  
ADVOCACY, INC.,

Plaintiff,

v.

DEPARTMENT OF PUBLIC WELFARE  
OF THE COMMONWEALTH OF  
PENNSYLVANIA;

MARK S. SCHWEIKER, in his official  
capacity as Governor of the

Commonwealth of Pennsylvania;

FEATHER O. HOUSTOUN, in her  
official capacity as Secretary  
of Public Welfare for the

Commonwealth of Pennsylvania;

GERALD RADKE, in his official  
capacity as Deputy Secretary for  
Mental Health and Substance Abuse  
Services; and

S. REEVES POWER, Ph.D., in his  
official capacity as  
Superintendent of South Mountain  
Restoration Center,

Defendants.

Civil Action No. 1:00-CV-1582

Judge Caldwell

FILED  
HARRISBURG, PA

FEB 13 2003

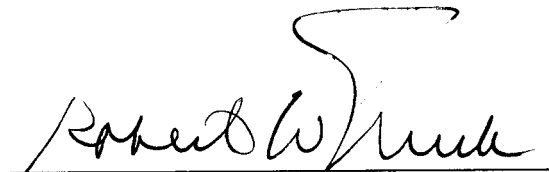
MARY E. D'ANDREA, CLERK  
PER 910 DEPUTY CLERK

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Pennsylvania Protection and Advocacy, Inc., through its counsel, hereby appeals to the United States Court of Appeals for the Third Circuit from the Memorandum and Judgment in a Civil Case dated January 15, 2003 that entered summary judgment in favor of defendants and against Plaintiff.

Dated: February 12, 2003

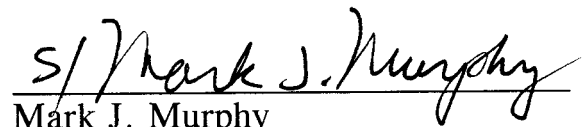
By:



Robert W. Meek  
Robin Resnick  
Disabilities Law Project  
1315 Walnut Street, Suite 400  
Philadelphia, PA 19107-4798  
(215) 238-8070

and

By:



Mark J. Murphy  
Disabilities Law Project  
1901 Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219-1505  
(215) 391-5225

Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I, Robert W. Meek, hereby certify that true and correct copies of Plaintiff's Notice of Appeal were served on the following by first class mail, postage prepaid on February 12, 2003:

Michael L. Harvey, Esquire  
Senior Deputy Attorney General  
Office of Attorney General  
Strawberry Square  
Fifteenth Floor  
Harrisburg, PA 17120

Howard Ulan, Esquire  
Senior Assistant Counsel  
Department of Public Welfare  
Office of Legal Counsel  
Health & Welfare Building  
Third Floor West  
Harrisburg, PA 17120

Thomas J. Blazusiak, Esquire  
Senior Assistant Counsel  
Department of Public Welfare  
Office of Legal Counsel  
Allentown State Hospital  
Room 130 Medical Services Building  
1600 Hanover Avenue  
Allentown, PA 18103

  
Robert W. Meek

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRISBURG, PA

CAPTION:

PA PROTECTION & ADVOCACY, INC.  
Vs  
DPMT OF PUBLIC WELFARE OF PA, et al.

DISTRICT COURT NO. 1:00-cv-1582

CT. OF APPEALS NO. \_\_\_\_\_

NOTICE OF APPEAL FILED 2/13/03

COURT REPORTER(S) \_\_\_\_\_

FILING FEE:

NOTICE OF APPEAL X PAID \_\_\_ NOT PAID \_\_\_ SEAMAN

DOCKET FEE X PAID \_\_\_ NOT PAID \_\_\_ USA

CJA APPOINTMENT: (Attach Copy of Order)

\_\_\_ PRIVATE ATTORNEY  
\_\_\_ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER  
\_\_\_ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:  
(Attach Copy of Order)

\_\_\_ MOTION GRANTED (IN FIRST INSTANCE)  
\_\_\_ MOTION DENIED (IN FIRST INSTANCE)  
\_\_\_ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):  
(Attach copy of Order)

\_\_\_ GRANTED  
\_\_\_ DENIED  
\_\_\_ PENDING

COPIES TO:

Judge William W. Caldwell  
Robert W. Meek, Esquire  
Robin Resnick, Esquire  
Mark J. Murphy, Esquire  
Thomas Blazusiak, Esquire  
File Copy

Carol A. Horowitz, Esquire  
John Kane, Esquire  
Michael L. Harvey, Esquire  
Susan J. Forney, Esquire  
Howard Ulan, Esquire

PREPARED BY Shawna L. Cihak  
Deputy Clerk

Date: February 14, 2003



MARY E. D'ANDREA  
Clerk of Court

UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT OF PENNSYLVANIA  
William J. Nealon Federal Bldg & U.S. Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148

(570) 207-5600 FAX (570) 207-5650  
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Office of the Clerk  
United States Court of Appeals  
for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

RE: PA PROTECTION & ADVOCACY, INC. v. DEPT OF PUBLIC  
WELFARE, et al.  
USDC NO: 1:00-cv-1582  
USCA NO:  
E-mail Account: All correspondence should be sent to the e-mail account:  
PAMDAPPEAL1

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

\_\_\_\_\_ Civil Prisoner Case: Case file and docket sheet available through  
RACER.

\_\_\_\_\_ Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet  
available through RACER.

  X   Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and  
Docket Sheet available through RACER.

\_\_\_\_\_ Civil Prisoner Case: \_\_\_ Supplemental Record filed. Documents and  
docket sheet available through RACER.

\_\_\_\_\_ Non-Prisoner Civil Case or Criminal Case:  
\_\_\_ Supplemental Record filed. Docket Sheet available through  
RACER.

The Clerk's Office hereby certifies the record and the docket sheet available  
through RACER to be the certified list in lieu of the record and/or the certified copy of the  
docket entries.

Very truly yours,

s/ Shawna L. Cihak  
Deputy Clerk